

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVE CARLIE, individually and on behalf of)
all others similarly situated,) No. C07-1132 JCC

Plaintiff,
v.
OOSOFT CORPORATION, a Washington
corporation,
Defendant.

STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;
APPROVE PROPOSED LEADERSHIP STRUCTURE - 1
No. C07-1121JCC, No. C07-1132JCC, No. C07-1270JCC,
No. C07-1271JCC, No. C07-1295JCC

CHRISTINE MOSKOWITZ and DAVID)
WOOD, individually and on behalf of all others) No. C07-1270 JCC
similarly situated,)

Plaintiff,
)

v.)

MICROSOFT CORPORATION, a Washington corporation,

Defendant.)

HEIDI LING, as parent and natural guardian of
ROBERT LING, III, individually and on behalf
of all others similarly situated,

Plaintiff,
)

v.)

MICROSOFT CORPORATION, a Washington corporation,

Defendant.)

JUSTIN HANSON, individually and on behalf of
all others similarly situated,

Plaintiff,
)

v.)

MICROSOFT CORPORATION, a Washington corporation,

Defendant.)

THIS MATTER comes before the Court on joint motions in five related putative class action lawsuits (the “Actions”) presenting pending before the Court:

STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION
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APPROVE PROPOSED LEADERSHIP STRUCTURE - 2
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No. C07-1271JCC, No. C07-1295JCC

1	Torres v. Microsoft Corp.	07-CV-1121	7/18/2007	Dkt. No. 11
2	Carlie v. Microsoft Corp.	07-CV-1132	7/19/2007	Dkt. No. 11
3	Moskowitz v. Microsoft Corp.	07-CV-1270	8/14/2007	Dkt. No. 3
4	Ling v. Microsoft Corp.	07-CV-1271	8/14/2007	Dkt No. 2
5	Hanson v. Microsoft Corp.	07-CV-1295	08/20/2007	Dkt. No. 2

6 Plaintiffs in all five of these putative class action lawsuits seek to represent substantially the
 7 same proposed class of people for essentially the same claims. The five putative class action
 8 lawsuits are based on similar factual allegations and are asserted against the same defendant,
 9 Microsoft Corporation. Through the present motion, the plaintiffs in these actions, Luis Torres,
 10 Steve Carlie, Christine Moskowitz, David Wood, Heidi Ling, and Justin Hanson (collectively,
 11 “Plaintiffs”), jointly seek to have their separate actions consolidated pursuant to Rule 42(a) of the
 12 Federal Rules of Civil Procedure. The Court has reviewed the files and records herein and
 13 GRANTS the motions as follows.
 14

IT IS ORDERED, ADJUDGED AND DECREED that

(1) Torres v. Microsoft Corporation, 07-cv-1121-JCC, is designated as the lead case.

The five causes of action listed above are hereby consolidated for all purposes pursuant to
 17 Federal Rules of Civil Procedure, Rule 42(a) under United States District Court Western District
 18 of Washington at Seattle Master Cause No. 07-cv-1121-JCC. Every pleading filed in the
 19 consolidated action shall bear the following caption:
 20

**IN RE MICROSOFT XBOX 360
SCRATCHED DISC LITIGATION**

**Master Cause No.
07-cv-1121-JCC**

The files of these consolidated actions shall be maintained in one file under the Master Cause
 22 No. 07-cv-1121-JCC. In the event that any party wishes to file a pleading that relates only to
 23

24 STIPULATED ORDER GRANTING PLAINTIFFS’ JOINT MOTION
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APPROVE PROPOSED LEADERSHIP STRUCTURE - 3
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No. C07-1271JCC, No. C07-1295JCC

1 fewer than all of the consolidated actions, the filing shall be designated, with the following
2 subcaption:

3 **IN RE MICROSOFT XBOX 360
SCRATCHED DISC LITIGATION**

Master Cause No.
07-cv-1121-JCC

4 This Document Relates To: [Name of Plaintiff]

5 Unless so designated, any filing in this action will be deemed to relate to all actions consolidated
6 under the Master Cause No. 07-cv-1121-JCC.

7 (2) Without prejudging the propriety of class certification, the Court hereby appoints
8 the following firms as interim class counsel pursuant to Federal Rules of Civil Procedure, Rule
9 23(g)(2):

- 10 (a) Stritmatter Kessler Whelan Coluccio;
11 (b) Chitwood, Harley, Haynes LLP
12 (c) Wasserman, Comden & Casselman, LLP;
13 (d) Keller Rohrback L.L.P.;
14 (e) Kabateck Brown Kellner LLP;
15 (f) The Hodkin Kopelowitz Ostrow Firm, PA; and
16 (g) Krause Kalfayan Benink & Slavens, LLP.

17 (3) The leadership structure proposed by Plaintiffs is hereby approved as follows:

18 Plaintiffs' Liaison Counsel

19 Stritmatter Kessler Whelan Coluccio;

20 Co-Lead Plaintiffs' Counsel

21 Chitwood Harley Harnes, LLP; and

22 The Hodkin Kopelowitz Ostrow Firm, P.A.;

23
24 STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION
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No. C07-1271JCC, No. C07-1295JCC

Executive Committee -

Stritmatter Kessler Whelan Coluccio;

Chitwood Harley Harnes, LLP;

The Hodkin Kopelowitz Ostrow Firm, P.A.;

Kabateck Brown Kellner, LLP;

Keller Rohrback L.L.P.;

Krause Kalfayan Benink and Slavens, LLP; and

Wasserman Comden & Casselman, LLC.

9 (4) Plaintiffs' Liaison Counsel shall be responsible for communications with
10 Defendant's counsel, so that Defendant's counsel's communications to Plaintiffs' Liaison
11 Counsel shall be deemed for all purposes as having been conveyed to all Plaintiffs' counsel listed
12 in this Order.

13 (5) Any subsequently filed complaints asserting similar claims shall be consolidated
14 herewith for all purposes and subject to this Order.

15 (6) Plaintiffs' Consolidated Complaint shall be filed and served no later than fourteen
16 (14) days from the date the Court enters this Order.

17 (7) Defendant's response to Plaintiffs' Consolidated Complaint shall be filed no later
18 than thirty (30) days after the filing and service of Plaintiffs' Consolidated Complaint.

19 DATED THIS 9th day of October, 2007.

John C. Conneran

Hon. John C. Coughenour
United States District Judge

24 STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;
APPROVE PROPOSED LEADERSHIP STRUCTURE - 5
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